

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49906-2021 (O&M)

Date of Decision: 20.05.2022

MAHENDER

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ravinder Phogat, Advocate for the petitioner.
Mr. Zorawar Singh Chauhan, DAG Haryana.

* * * *

VIVEK PURI, J. (ORAL)

On 01.04.2022 following order was passed:

“ Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner namely Mahender in case FIR No. 240 dated 17.09.2020, registered under Sections 376(2)(n)/384/452/201/506/34 IPC, 1860 and 67 of Information and Technology Act at Police Station Badhra, District Charkhi Dadri, Haryana.

Reply by way of affidavit of Desh Raj, HPS, DSP/Badhra on behalf of the respondent-State has been filed and the same is taken on record.

Learned counsel for the petitioner contends that the allegation against the petitioner as putforth in the FIR is to the effect that he by extended threats, had committed rape upon the prosecutrix on three occasions. It has further stated that the co-accused Kuldeep and Jagmeet @ Motu who is juvenile, have been released on bail. The husband of the prosecutrix has instituted a petition for divorce wherein he has levelled allegations of adulterous relationship of the prosecutrix with the petitioner and Kuldeep, the co-accused. The husband of the prosecutrix has also acknowledged the fact of consensual relationship between the petitioner and the prosecutrix.

Adjourned to 20.05.2022.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

It has been stated by learned counsel for the petitioner that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel, who is assisted by Inspector Chander Shekhar, has not disputed this fact and has stated that the petitioner has joined the investigation in pursuance of the interim directions and his custodial interrogation is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 01.04.2022 is made absolute.

The petition stands allowed.

20.05.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No